

IN THE UNITED STATES OF THE DISTRICT OF DELAWARE

FOR THE DISTRICT OF DELAWARE

**WILLIAM R. DAVIS, as executor
of the estate of James W. Davis,
Sr., deceased**

Plaintiffs,

C.A. No. 05-288

V.

RAYMOND JAMES & ASSOCIATES, INC.,
a Florida corporation

Defendant, Crossclaim-Defendant,

and

CHRISTINE M. POFFENBARGER,

**Defendant, Counterclaim-
Plaintiff, Crossclaim-
Plaintiff and
Third-Party Plaintiff**

V.

**WILLIAM R. DAVIS, JAMES W. DAVIS,
JR., and LINDA M. TROUTT, and
STAR ENTERPRISE, INC. a
Delaware corporation,**

Third-Party Defendants.

ANSWER OF DEFENDANT, RAYMOND, JAMES & ASSOCIATES, INC.
TO CROSSCLAIM OF DEFENDANT/CROSSCLAIM
PLAINTIFF, CHRISTINE M. POFFENBARGER

16. Defendant, Raymond James & Associates, Inc., is without information or knowledge sufficient to enable it to form a belief as to the truth of the averments in paragraph 16 of the Crossclaim of defendant/crossclaim plaintiff, Christine M. Poffenbarger.

17. Defendant, Raymond James & Associates, Inc., is without information or knowledge sufficient to enable it to form a belief as to the truth of the averments in paragraph 17 of the Crossclaim of defendant/crossclaim plaintiff, Christine M. Poffenbarger.

18. Admitted.

19. Admitted upon information and belief.

20. Admitted.

21. Admitted that Christine M. Poffenbarger is listed on account documents as the named beneficiary of decedent's IRA. The remaining averments are denied as a conclusion of law to which no response is required.

22. Admitted upon information and belief.

23. Admitted.

24. Denied as a conclusion of law to which no response is required.

25. Denied as a conclusion of law to which no response is required.

26. Denied that defendant, Raymond James & Associates, Inc., is in breach of any duties owed to any party in this case. Defendant, Raymond James & Associates, Inc., admits that Christine M. Poffenbarger is listed on account documents as the named beneficiary of decedent's IRA.

WHEREFORE, defendant, Raymond James & Associates, Inc., demands that Crossclaim of defendant/crossclaim plaintiff, Christine M. Poffenbarger, against it be dismissed with prejudice and that judgment be entered in favor of defendant, Raymond James & Associates, Inc., together with reasonable attorneys' fees and costs.

FIRST AFFIRMATIVE DEFENSE

The Crossclaim of Christine M. Poffenbarger fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant, Raymond James & Associates, Inc., reserves the right to interplead into Court those IRA funds at issue in the instant matter.

THIRD AFFIRMATIVE DEFENSE

Any and all claims against defendant, Raymond James & Associates, Inc., are barred by the terms of the applicable Agreement.

FOURTH AFFIRMATIVE DEFENSE

Defendant, Raymond James & Associates, Inc., breached no duties to any party at any time.

FIFTH AFFIRMATIVE DEFENSE

No party is entitled to attorneys' fees, interest or costs from defendant Raymond James & Associates, Inc.

SIXTH AFFIRMATIVE DEFENSE

Defendant, Raymond James & Associates, Inc. is not a stakeholder and has no interest in the proceeds of the IRA account in question.

SEVENTH AFFIRMATIVE DEFENSE

Defendant, Raymond James & Associates, Inc., reserves the right to plead additional affirmative defenses as warranted.

WHEREFORE, defendant, Raymond James & Associates, Inc., demands that Crossclaim of defendant/crossclaim plaintiff, Christine M. Poffenbarger, against it be dismissed with prejudice and that judgment be entered in favor of defendant, Raymond James & Associates, Inc., together with reasonable attorneys' fees and costs.

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

**BY: /s/ Kevin J. Connors
KEVIN J. CONNORS, ESQ.
DE Bar ID: 2135
1220 North Market Street, 5th Fl.
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Attorney for Defendant,
Raymond James & Associates, Inc.**

DATED: May 27, 2005
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CERTIFICATE OF SERVICE

I hereby certify that I have served upon all persons listed below two true and correct copies of the ANSWER OF DEFENDANT, RAYMOND, JAMES & ASSOCIATES, INC. TO CROSSCLAIM OF DEFENDANT/CROSSCLAIM PLAINTIFF, CHRISTINE M. POFFENBARGER, ABOVE-CAPTIONED MATTER THIS DATE VIA E-FILE AND REGULAR MAIL:

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**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

BY: /s/ Kevin J. Connors

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DATED: May 27, 2005

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